

AMENDMENTS TO THE DRAWINGS

The enclosed drawing sheet includes a change to Fig. 24. This sheet replaces the original sheet including Fig. 24. In particular, component 760 was mislabeled "Work Book Manager" in the originally filed application. Component 760 has been modified to correctly read "Work Bench Manager."

REMARKS

Claims 1, 3-8, 11, 16, 21-33, 41-58 are currently pending in the subject application and are presently under consideration. New claims 57 and 58 have been added herein. Claim 47 has been canceled, and claims 3-5, 8, 11, 21, 23, 25, 26, 28-30, 32, 42-46, and 48 have been amended to correct minor informalities. Claims 1, 22, and 41 have been amended herein to further emphasize various novel aspects of the subject invention. A version of all claims is shown at pages 9-16 this Reply. In addition, the specification has been amended as indicated at pages 2-7, and Fig. 24 has been amended herein to correct a typographical error as described at page 8. A replacement sheet has been enclosed herewith.

At pages 2-3 of the Office Action (dated March 31, 2005), the Examiner withdrew from consideration claims 49-56, contending those claims are directed toward a different invention because claims 49-56 recite the details of the arrangement of a data structure not presented in any of the other pending claims. To facilitate expeditious prosecution, claims 49-56 have been cancelled herein without prejudice or disclaimer.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Objection of Claims 40-55

Claims 40-55 are objected to because the claim numbering is not in accordance with 37 C.F.R. 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. Claims 40-55 have been renumbered 41-56, respectively. Accordingly, this objection should be withdrawn.

II. Objection of Claim 47 Under 37 CFR 1.75(c)

Claim 47 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. The objection to claim 47 is moot in view of the cancellation of that claim. Therefore, this objection should be withdrawn.

III. Rejection of Claims 22-33 and 41-47 Under 35 U.S.C. §101

Claims 22-33 and 41-47 stand rejected under 35 U.S.C. §101. The Examiner concedes at page 4 of the Office Action (dated March 31, 2005) that these claims produce a useful, concrete,

and tangible result, however, the Examiner contends that the claimed invention is directed to non-statutory subject matter because the claims recite only nominal use of technology. The Examiner states that for a process claim to be within the technological arts, the recited process must somehow apply, involve, use, or advance the technological arts. (See Office Action, page 4).

However, a claimed process is clearly statutory if it results in a physical transformation outside the computer, i.e., falls into one or both of the specific “safe harbors” categories of: (i) Post-computer activity, or (ii) Pre-computer activity. The Pre-computer activity safe harbor protects, as statutory subject matter, (1) data that is an intangible representation of a physical activity, and (2) data that is an intangible representation of a physical object. (See MPEP §2106) (emphasis added). Hence, a process is statutory “where the data comprises signals corresponding to physical objects or [physical] activities external to the computer system, and where the process causes a physical transformation of the signals which are intangible representations of the physical objects or activities.” *In re Schrader*, 22 F.3d 290, 294, 30 USPQ2d 1455, 1459 (Fed. Cir. 1994) (emphasis added). Claim 22 (and similarly claim 41) recites, “receiving data indicative of ***business activities***”. These business activities are external to the computer system and the process causes a physical transformation of the representations of these physical activities, for example, impact values are derived. Furthermore, in order to appease the Examiner, claim 22 has been amended to recite, “storing the data...on a computer readable medium” and claim 41 has been amended to recite, “storing the data to a computer readable database...” Both a computer readable medium and a computer readable database are useful, tangible, and concrete uses of the technological arts. Accordingly, independent claims 22 and 41, as well as all claims that depend there from, are clearly statutory processes, and this rejection should be withdrawn.

IV. Rejection of Claims 1, 3-5, 11, 16, 21-32, 41 and 44-48 Under 35 U.S.C. §102(e)

Claims 1, 3-5, 11, 16, 21-32, 41 and 44-48 stand rejected under 35 U.S.C. §102(e) as being anticipated by Groat, *et al.* (US 2001/0032155 A1). Withdrawal of this rejection is requested for at least the following reasons.

Groat, *et al.* does not disclose, teach or suggest each and every aspect of applicant’s claimed invention.

A single prior art reference anticipates a patent claim only if it expressly or inherently ***describes each and every limitation set forth in the patent claim***. *Trintec Industries, Inc., v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 U.S.P.Q.2D 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). ***The identical invention must be shown in as complete detail as is contained in the ... claim***. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Applicant's claimed invention relates to a database management system to facilitate budgeting and forecasting by, for example, analyzing base data in order to characterize the impacts various factors might have upon an account, and adjusting the base data accordingly. In particular, independent claim 1 recites, "a third user interface element ***characterizing an impact value derived from the base data***, the impact value is adapted to adjust the base data ***to provide adjusted data for the at least one account***". Independent claims 22 and 41 recite limitations that are, for the purposes of this Reply, similar to independent claim 1. Groat, *et al.* does not disclose, teach, or suggest these novel features.

Groat, *et al.* relates generally to a financial status display system, and, more specifically, to a system that provides visual representations of personal financial analysis and planning. (See Fig. 1). Groat, *et al.* employs objects to both graphically illustrate and functionally calculate the relationships between various financial parameters. Among the relevant objects employed are "values", "properties", "expressions", "growth", "inflow", "pipes", and "events". (See paragraphs 0032-0037, 0039, 0042, and 0044). More particularly, Groat, *et al.* can use an "expression" to modify a "value", then "inflow" the modified "value" into another object via a "pipe". For example, household income can be modified by the income tax rate, the amount to be transferred to a retirement account, with the remainder transferred to a checking account. Hence, Groat, *et al.* teaches one way to derive base data for an account, however, the reference does not disclose, teach, or suggest that this derived data can be further analyzed for patterns or an impact the identified base data had on a designated account. Accordingly, the cited document does not disclose, teach, or suggest "a third user interface element ***characterizing an impact value derived from the base data***, the impact value is adapted to adjust the base data ***to provide adjusted data for the at least one account***".

Furthermore, Groat, *et al.* is directed toward personal finances, so it does not track or even acknowledge much of the base data that might affect a business. Therefore, the reference cannot gauge or apply an impact from data not acknowledged as pertinent. For example, the weather or a local event such as a holiday convention does not affect one's personal finances, so Groat, *et al.* does not track this data, however, these things could have a dramatic impact on businesses that rely on good weather and/or customer volume. The specification portion of the subject invention clearly outlines this distinction in the following passages: (1) "The data source 24 further may collect environmental (*e.g.*, weather, news, *etc.*) or economic information at a regional or local level that may have an impact on or be indicative of facility performance." (See page 8, lines 12-14); (2) "The attribute method 566, in turn, provides impact data having a value indicative of an impact that the identified event (*e.g.*, an event, holiday convention, renovation, *etc.*) had on each designated account..." (See page 31, lines 4-7); and (3) "As described above, a KRA may be linked to a predefined method that is to be applied to the selected account(s) to derive an impact based on the data processed by the method, ...In this way, if an impact percentage is entered for a particular KRA attribute (*e.g.*, an account of the COA), an associated method may derive value(s) associated with one or more other attributes to which the impact percentage is applied to compute the impact value." (See page 38, lines 3-14) (emphasis added).

Therefore, while Groat, *et al.* does derive base data, it does not contemplate that this base data could contain properties or attributes (*e.g.*, bad weather reduces sales) that could produce impacts on similar data for other accounts, or data for the same account during a different time period. For example, Groat, *et al.* can establish with its various objects that monthly utilities must be paid, but the reference does not contemplate that, for instance, if the household made a conscious effort to conserve, the utility bill could be lower, or that the impact on the account due to a conscious effort to conserve could adjust the base data for other (or the same) account. Groat, *et al.* does not disclose or suggest impact values, or characterizing an impact value derived from empirical data, and adjusting account values based on that impact value. Where the Examiner points simply defines terms, and, in fact, within those definitions, the reference discloses only two ways of adjusting the value of a numeric object: "growth" (*e.g.*, bank account interest) and "pipes" (*e.g.*, a mathematical relationship between numeric objects, generally used with "expressions" and "inflows"). (See paragraphs 0037 and 0042). Clearly, based upon these

definitions, the “adjusted data” in the subject claims is neither “growth” nor “pipes”, which, as the reference teaches, are the two ways Groat, *et al.* can “adjust the value”.

Accordingly, Groat, *et al.* does not disclose, teach, or suggest, “a third user interface element *characterizing an impact value derived from the base data*, the impact value is adapted to adjust the base data *to provide adjusted data for the at least one account*” as recited by the claims. As such, this rejection of independent claim 1 (and similarly independent claims 22 and 41), as well as all claims that depend there from, should be withdrawn.

V. Rejection of Claims 6-8, 33, 42 and 43 Under 35 U.S.C. §103(a)

Claims 6-8, 33, 42 and 43 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Groat, *et al.* (US 2001/0032155 A1), as applied to claims 1, 5, 31 and 41 above. This rejection should be withdrawn for at least the following reasons.

Claims 6-8 and 33 depend directly or indirectly from claims 1 and 22, respectively. Accordingly, claims 6-8 and 33 are allowable for at least the same reasons as independent claims 1 and 22.

In addition, applicant’s representative once again traverses the purported Official Notice and its suggested combination with the cited reference to obviate the claimed invention. Claim 6 as well as claim 7 recite a fourth interface component adapted to ... *concurrently display adjusted data and corresponding data for each of the plurality of selected accounts for a different period of time from that shown in the display areas*. Claim 8 recites the fourth interface component further adapted to *display a daily comparison of adjusted data and the corresponding data*. The Examiner concedes that Groat, *et al.* does not teach data from different periods of time being displayed concurrently nor concurrently displaying the effects of various factors. To fill the void left by the prior art the Examiner takes Official Notice “that it is old and well-known in the art of computer presentations to concurrently display various factors, scenarios, etc. that are being compared to one another.” Applicant’s representative respectfully requests that the Examiner provide support for the purported well known statement pursuant to MPEP § 2144.03 if the rejection of claims 7-8 is to be maintained or alternatively withdraw the rejection thereto.

Moreover, applicant’s representative submits that the Examiner is utilizing improper hindsight to depreciate the claimed invention.

It is impermissible to use the claimed invention as an instruction manual or “template” to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that “*one cannot use hindsight reconstruction to pick and chose among isolated references in the prior art to deprecate the claimed invention.*” *In re Fitch*, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992) (quoting *In re Fine*, 837 F.2d 1071, 1075 5 USPQ2d 1596, 1600 (Fed. Cir. 1988)) (emphasis added)

It is submitted that the Examiner seems to be utilizing the subject invention as a template or road map to pick and chose isolated portions of the cited reference and take Official Notice of the missing teachings to obviate the claimed invention. Such a practice is an impermissible means for determining obviousness.

In view of the foregoing, it is apparent that a *prima facie* case of obvious has not been established with regard to claims 6-8 and 33. Accordingly, the rejection of these claims should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [BOYKP103US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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